United Nations S/2008/29

Security Council

Distr.: General
21 January 2008

Original: English

Letter dated 18 January 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to submit herewith the second report of the Counter-Terrorism Committee on the implementation of resolution 1624 (2005) to the Security Council for its examination (see annex).

The Committee would appreciate it if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Mirjana **Mladineo**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

08-21277 (E) 250108

Annex

Second report of the Counter-Terrorism Committee to the Security Council on the implementation of resolution 1624 (2005)

I. Introduction

1. The Security Council, in the second preambular paragraph of its resolution 1624 (2005) of 14 September 2005, called upon all States to take a number of steps in connection with the "imperative to combat terrorism in all its forms", including steps aimed at prohibiting by law and preventing incitement to commit a terrorist act or acts. It called upon all States to report to the Counter-Terrorism Committee, as part of their ongoing dialogue, on the steps they have taken to implement the resolution, and directed the Committee to report back to the Council on such implementation in 12 months. The first report of the Counter-Terrorism Committee on the implementation of resolution 1624 (2005) was submitted to the Council for its consideration on 14 September 2006 (S/2006/737) and took into account the 69 State reports received as at 7 September 2006. The present report updates the first report, taking particular account of the reports received from States during the period from 7 September 2006 to 16 July 2007.

2. As at 16 July 2007, a total of 88 States had reported to the Committee on their implementation of resolution 1624 (2005) (see appendix). Although this total includes States from all regional groups, many Member States have not yet reported to the Committee. As noted in the first report, this limits the Committee's ability to report to the Council on the implementation of the resolution.

3. The Council, in paragraph 6 (b) of resolution 1624 (2005), further directed the Committee to "work with Member States to help build capacity, including through spreading best legal practice and promoting exchange of information in this regard". The Committee continues to carry out this work, including in the course of its visits to Member States.

II. Prohibition and prevention of incitement

4. In paragraph 1 of resolution 1624 (2005), the Council called upon all States "to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to (a) prohibit by law incitement to commit a terrorist act or acts" (hereinafter, "incitement") and (b) "prevent such conduct". The reports submitted to the Committee since 7 September 2006 reinforce its previous conclusion that, while virtually all reporting States indicate that they have provisions in their legal regimes to prohibit and prevent incitement, States continue to hold varying views on the steps necessary or appropriate to achieve these goals.

5. Of the 19 States that reported during the period from 7 September 2006 to 16 July 2007, 10 informed the Committee that they had introduced legal provisions expressly criminalizing incitement. Three other States indicated that they had established terrorist acts as criminal offences and had also introduced provisions criminalizing incitement to commit any offence. Four States reported that they had no criminal provisions specific to terrorist acts, although such acts would generally

fall under other criminal offences, to which general anti-incitement provisions applied. Two of those four States informed the Committee that they were in the process of drafting specific counter-terrorism legislation. Thus, taking into account all 88 responses submitted to the Committee since September 2005, somewhat fewer than half of all reporting States have expressly criminalized incitement, although most profess to address the problem through general criminal provisions.

6. As noted in the first report, many States indicate that they address the problem of incitement through widely recognized accessory offences such as aiding, abetting, participating and soliciting. One State considers that threats can be incitement, while another includes advocacy. Some States would limit liability to views expressed in open meetings or elsewhere in the public domain, while one stated that it would penalize the utterance of "subversive words" if other conditions were met, such as the existence of a seditious intention or the likelihood of ensuing organized violence. Two States reported that they would punish the possession of printed materials, images or articles considered to be incitement under general criminal provisions.

7. Among States reporting the introduction of express prohibitions on incitement, there is clearly a divergence of views regarding the scope of the term "incitement". For some, incitement includes abetment or threatening to commit a terrorist act or acts, while one State extends liability to any act that "justifies, encourages or finances" terrorism. While most States consider the making of certain spoken statements to be incitement, two reported that incitement included the knowing distribution of related printed materials.

8. Among recently reporting States, there was little discussion as to whether a statement, in order to be punishable as incitement, must be proved to have an actual likelihood of leading to the commission of a terrorist act. In its previous report, the Committee noted that several States considered such proof to be necessary in order not to infringe on the right to freedom of expression. However, several recently reporting States noted that they subject their anti-incitement provisions to close scrutiny in the light of their obligations under international law, including human rights law.

9. With respect to punishing incitement, several States noted that the crime of incitement incurred the same liability as the terrorist act itself, while one noted that it subjected those found guilty of incitement to 5 to 10 years' imprisonment, in addition to a fine. One State noted that an individual guilty of incitement would be considered a terrorist accomplice and, under its anti-terrorism law, would "be strictly punished, with the highest possible sentence being capital punishment". Another State reported that persons believed to be involved in incitement could be detained for up to three months for interrogation, placed under stringent monitoring mechanisms and, if restrictions were violated, detained for up to one year.

III. Denial of safe haven

10. In paragraph 1 of resolution 1624 (2005), the Council called upon all States to "deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of" incitement.

11. In this respect, several recently reporting States cited provisions they had enacted to prevent or refuse entry to persons referred to in paragraph 1 of the resolution. Several States that have ratified the 1951 Convention relating to the Status of Refugees referred to their implementation of its article 1 (F), which excludes from the Convention's protection any person with respect to whom there are serious reasons for considering that he or she has committed one of several specified crimes, or acts contrary to the purposes and principles of the United Nations. Two States stressed their strict interpretation of the language in article 1 (F), conditioning exclusion on the existence of "serious reasons".

12. Half of the recently reporting States informed the Committee of practical measures that they had taken to prevent persons referred to in paragraph 1 of the resolution from entering their territory. Some reported stricter monitoring of borders, including stringent checks of travel documents. Others referred to their use of lists to "watch" and "stop" persons suspected of terrorist activity. The cited lists included the consolidated list maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities.

13. Several States referred to extradition and mutual legal assistance agreements and mechanisms established with other States. Some also referred to arrangements for inter-State information exchange. Many States referred to their work with the International Criminal Police Organization (INTERPOL).

IV. Strengthened security of international borders

14. In paragraph 2 of resolution 1624 (2005), the Council called upon all States "to cooperate, inter alia, to strengthen the security of their international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures with a view to preventing those guilty of [incitement] from entering their territory". Most States indicated ways in which they are cooperating in this respect.

15. Several States described new initiatives to prevent the entry of persons with forged or falsified travel documents. Some included information on training courses for police and customs officers on identifying forged documents, while others referred to equipment to detect forged travel documents, including biometric security systems.

16. Most States described their cooperation with other States on the basis of information exchange, which includes both bilateral exchanges and regional measures, including through the Commonwealth of Independent States, the Common Market of the South, the Schengen area, the Association of Southeast Asian Nations (ASEAN) and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation. Some States reported on information exchange with and through INTERPOL.

17. One State noted that "the lack of control by certain neighbouring countries over their sides of the border" had created difficulties, necessitating the construction of "security walls".

V. Dialogue and understanding among civilizations

18. In paragraph 3 of the resolution, the Council called upon all States "to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures". Virtually all States cited their active support for international efforts in these areas, as well as national initiatives they had undertaken for the same purpose.

19. At the international level, States referred to participation in events such as those of the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, the Asia-Europe Meetings, events organized by the Organization of the Islamic Conference and the Interfaith Dialogues held in Bali, Indonesia, in 2005 and Larnaca, Cyprus, in 2006. States also mentioned other inter-faith conferences, such as the International Symposium on Human Civilizations and Cultures, held in Tunis in 2006, and the 8th Meeting of the Council of Religion for Peace, held in Kyoto, Japan, in August 2006. States again noted their support for initiatives of the United Nations Educational, Scientific and Cultural Organization to foster intercultural dialogue and promote diversity.

20. Among regional initiatives mentioned in States' reports were the ASEAN Regional Forum, the European Union's action plan and strategy on combating radicalization and recruitment, initiatives to promote tolerance and mutual respect within the Organization for Security and Cooperation in Europe and the conference on Regional Interfaith Cooperation for Peace, Development and Human Dignity, held in the Philippines in 2006.

21. With respect to national initiatives, many States reported that they sought to ensure tolerance and respect among religions by prohibiting discriminatory acts by law. Some reported on measures such as a national plan against discrimination, a centre or chair for national dialogue and a nationally organized conference on moderation. One State included information on cultural exchanges involving performing and non-performing arts, exhibitions, visits of distinguished personalities and the provision of scholarships to foreign students. Another State referred to cinematography, theatrical productions, festivals, symposiums and colloquiums.

VI. Countering incitement motivated by extremism and intolerance

22. In paragraph 3 of resolution 1624 (2005), the Council further called upon all States "to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural and religious institutions by terrorists and their supporters". As noted in the Committee's first report, States generally focus on two areas with respect to their implementation of this element of the resolution: repression and prevention.

23. Many States noted their criminalization of discriminatory acts, hate speech and similar conduct. In this regard, mention was also made of the relevance of the

International Convention on the Elimination of All Forms of Racial Discrimination. One State reported that "actions aimed at the incitement of national, racial or religious hatred, racial superiority or humiliation of national dignity" were punishable by a fine, a sentence of correctional labour for up to two years or imprisonment for between two and four years.

24. One State cited a programme in which "the leaders of the various ethnic, cultural and religious communities are urged to promote the values of mutual respect and to condemn intolerant behaviour". Another reported that "any individuals, associations, organizations, societies ... are required to register with the relevant authorities if they wish to conduct activities such as preaching, missionary work, cultural and religious performances". A third State noted that it monitored "religious sermons, schools, universities and the media in order to prevent incitement to commit terrorist acts".

25. Many States reported measures taken in the education sector. One noted that its curricula fell "within the framework of the universal values of tolerance, respect for others and rejection of all forms of discrimination", that curricula of religious schools such as madrasas had been reviewed and that new textbooks "focus on the values of peace and tolerance". Another State reported that teaching must be based on "moderation". A third State reported that educational institutions, in addition to governmental authorities and the media, were "encouraged to identify any risk of intellectual perversity". A fourth State noted that its Government was empowered to close schools if it was satisfied that they were being used for purposes detrimental to the State or to the public.

26. Some States discussed preventive measures such as national action plans against discrimination and racism, which included effective protection against and redress of racism. One State noted that it extended financial grants to voluntary organizations to promote national integration and communal harmony through special programmes. Another State noted the introduction of a discussion forum on Islam aimed at improving knowledge of Islam and encouraging a diversity of views and opinions about Islam and Muslims. Several States referred to the important role of religious leaders in stressing the values of peace and tolerance as set out in the doctrines of various religions.

VII. Compliance with obligations under international law

27. In paragraph 4 of resolution 1624 (2005), the Council stressed that States "must ensure that any measures taken to implement paragraphs 1, 2 and 3 of this resolution comply with all of their obligations under international law, in particular international human rights law, refugee law and humanitarian law".

28. Approximately half of the States reporting since 7 September 2006 provided information on how they sought to ensure compliance with paragraph 4 of the resolution. With respect to general principles, one stated that "counter-terrorism measures must be applied within the broader framework of compliance with international human rights law, refugee law and humanitarian law". Another noted that it attached "great importance to the observance and promotion of human rights, humanitarian law and the right to asylum", while a third noted "continuing effort to strengthen the rule of law". One State noted the particular relevance of principles including the presumption of innocence and equality under the law.

29. Several States referred to their adherence to international conventions, including the Geneva Conventions of 1949 and their two Additional Protocols of 1977, the Convention against Torture and the Convention on the Rights of the Child. One noted that it "complies with and implements the recommendations, resolutions and decisions" of the United Nations organs created under human rights treaties and the special procedures and mechanisms of the Human Rights Council.

30. Some States referred to regional human rights conventions and mechanisms, including the American Convention on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights.

31. One State stated that it "respects and guarantees the independence and institutional autonomy of courts of law". Another noted that it had not established special courts, with "ordinary courts retain[ing] jurisdiction over terrorist offences", adding that periods of custody and preventive detention were the same as for other offences and that the rights of the defence were guaranteed. Several States noted their establishment of national human rights institutions, and another stressed the need for social dialogue with respect to relevant counter-terrorism measures.

32. On refugee law, one State referred to its hosting of a large number of refugees from a neighbouring country. Another noted that it "currently has no obligations pertaining to upholding the rights of refugees, as it has not acceded to either the [1951 Convention relating to the Status of Refugees] or to its Protocol relating to the status of refugees", but nevertheless upheld "the constitutional rights of its citizens". This State took issue with actions of the United Nations High Commissioner for Refugees concerning individuals who had applied for refugee status in a neighbouring country after being accused of terrorism-related offences.

VIII. Conclusion

33. To date, fewer than half the States Members of the United Nations have reported to the Counter-Terrorism Committee on the steps they have taken to implement Security Council resolution 1624 (2005). Their reports indicate that States adopt a wide range of approaches to address the problem of incitement. While some reporting States expressly prohibit incitement in their criminal laws, other States use alternative approaches such as the application of accessory criminal offences, including aiding, abetting and solicitation.

34. The reports received from States indicate that active steps continue to be taken to address other aspects of resolution 1624 (2005), including measures to deny safe haven, strengthen the security of international borders, promote dialogue and understanding among civilizations and counter incitement motivated by extremism and intolerance. Many States also informed the Committee of steps they had taken to ensure that their measures to implement the resolution complied with all their obligations under international law, in particular international human rights law, refugee law and humanitarian law.

35. The Counter-Terrorism Committee will continue its efforts to fulfil the mandate given to it by the Security Council in its resolution 1624 (2005). The Committee encourages all States that have not yet reported on their implementation

of the resolution to do so as soon as possible. On the basis of the reports received so far from States and of the information gathered during visits, the Committee will initiate a discussion to explore the needs of States for technical assistance on all aspects of the resolution, and it will aim to facilitate the provision of such assistance as appropriate.

Appendix

A. List of States that had submitted reports on their implementation of Security Council resolution 1624 (2005) to the Counter-Terrorism Committee as at 16 July 2007

1. Algeria
2. Andorra
3. Argentina
4. Armenia
5. Austria
6. Azerbaijan
7. Belarus
8. Belgium
9. Bosnia and Herzegovina
10. Brazil
11. Brunei Darussalam
12. Bulgaria
13. Burkina Faso
14. Canada
15. Chile
16. China
17. Colombia
18. Cuba
19. Cyprus
20. Czech Republic
21. Denmark
22. Djibouti
23. Egypt
24. El Salvador
25. Estonia
26. Finland
27. France
28. Germany
29. Greece
30. Hungary

31. India
32. Indonesia
33. Iran (Islamic Republic of)
34. Iraq
35. Ireland
36. Israel
37. Italy
38. Japan
39. Jordan
40. Kuwait
41. Lao People's Democratic Republic
42. Latvia
43. Lebanon
44. Libyan Arab Jamahiriya
45. Liechtenstein
46. Lithuania
47. Luxembourg
48. Mauritius
49. Mexico
50. Moldova
51. Monaco
52. Morocco
53. Myanmar
54. Namibia
55. Netherlands
56. New Zealand
57. Norway
58. Pakistan
59. Paraguay
60. Poland
61. Portugal
62. Qatar
63. Republic of Korea
64. Romania

65. Russian Federation
66. Saudi Arabia
67. Serbia and Montenegro
68. Seychelles
69. Singapore
70. Slovakia
71. Slovenia
72. South Africa
73. Spain
74. Suriname
75. Sweden
76. Switzerland
77. Syrian Arab Republic
78. Tajikistan
79. Thailand
80. Tunisia
81. Turkey
82. Turkmenistan
83. Ukraine
84. United Kingdom of Great Britain and Northern Ireland
85. United States of America
86. Uzbekistan
87. Viet Nam
88. Yemen

B. List of States that submitted reports on their implementation of Security Council resolution 1624 (2005) to the Counter-Terrorism Committee during the period from 7 September 2006 to 16 July 2007

1. Algeria
2. Argentina
3. Armenia
4. Azerbaijan
5. Belgium
6. Brunei Darussalam
7. India

8. **Iran (Islamic Republic of)**
9. **Iraq**
10. **Ireland**
11. **Kuwait**
12. Lao People's Democratic Republic
13. Myanmar
14. Pakistan
15. **Saudi Arabia**
16. **Tunisia**
17. **Turkmenistan**
18. **Uzbekistan**
19. **Viet Nam**

United Nations A/62/656–S/2008/30

General Assembly
Security Council

Distr.: General
21 January 2008
English
Original: Arabic

General Assembly
Sixty-second session
Agenda item 17
The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 18 January 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 8 to 14 January 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-21339 (E) 230108 230108

Annex to the identical letters dated 18 January 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 8 to 14 January 2008, inclusive

Air violations

On 9 January 2008, between 1959 and 2017 hours, two Israeli warplanes violated Lebanese airspace over Rumaysh, then proceeded north as far as Jubayl, turned south and departed over Naqurah.

Between 2024 and 2210 hours, two Israeli warplanes violated Lebanese airspace over Rumaysh, then proceeded north as far as Tripoli and circled over the northern and southern regions before departing over Bint Jubayl.

On 11 January 2008, between 1123 and 1223 hours, two Israeli warplanes violated Lebanese airspace over Alma al-Sha`b, then proceeded north as far as Shikka. Then they circled over Shikka and Beirut, flying alternately over the land and the sea, before departing over the sea off Naqurah.

On the same day, at 2120 hours, an Israeli reconnaissance aircraft heading north violated Lebanese airspace off Naqurah, then circled off Beirut and over the southern regions before departing the next day, 12 January, at 0210 hours over the sea off Naqurah.

On 12 January 2008, between 1000 and 1500 hours, an Israeli reconnaissance aircraft overflew the regions of Qir`awn, Suhmur, Libbaya, Qilya and Dallafah before turning south, then departing over Naqurah.

Between 2130 and 2255 hours, an Israeli reconnaissance aircraft violated Lebanese airspace off Naqurah, then proceeded north as far as the coast of Beirut and circled off Beirut before turning south and departing over the sea off Naqurah.

On 13 January 2008 at 1059 hours, six Israeli warplanes violated Lebanese airspace, four over Rumaysh and the other two over the Shab`a Farms. They then circled over Beirut and the southern regions. The six aircraft then departed over Kafr Kila, two of them at 1125 hours and the other four at 1155 hours.

Between 1200 and 1230 hours, two Israeli warplanes violated Lebanese airspace over Rumaysh, then circled over Beirut, Western Bekaa and the south before departing over Aytarun.

At 2344 hours, an Israeli reconnaissance aircraft violated Lebanese airspace off Tyre, then circled off Sidon and Tyre before departing the next day, 14 January, at 0010 hours over the sea off Naqurah.

On 14 January 2008, between 1117 and 1245 hours, two Israeli warplanes violated Lebanese airspace over Khiyam, then proceeded north as far as Beirut. They then circled between Beirut and the south before departing over the sea off Naqurah.

Sea violations

None.

Acts of aggression in the field

On 8 January 2008, at 1815 hours, enemy Israeli forces directed a searchlight for two minutes and 15 seconds from the Zar`it barracks towards the Lebanese Army positions at Tarbikha and the Marwahin triangle.

At 2055 hours, enemy Israeli forces directed a searchlight for 20 seconds from the Zar`it barracks towards the Lebanese Army position at the Marwahin triangle.

At 2255 hours, enemy Israeli forces directed a searchlight for one and a half minutes from the Zar`it barracks towards Jabal Balat and the Marwahin triangle.

On 9 January 2008, between 0830 and 0930 hours, two Israeli Merkava tanks left their position south of Ramiyah and proceeded towards the position opposite Birkat Risha. On the way back, one of the two tanks stopped and aimed its gun at a Lebanese Army position at Jabal Balat. The tank then left the area and returned to its position.

At 1845 hours, enemy Israeli forces directed a searchlight for 5 seconds towards the Marwahin triangle.

On 10 January 2008, at 1904 hours, an Israeli patrol consisting of three Hummer vehicles directed a searchlight for 30 seconds towards the plain of Marun al-Ra`s, then for 5 seconds towards the 11th Brigade position.

Between 2330 hours and midnight, an Israeli patrol directed a searchlight towards vehicles using the road between Kafr Kila and `Adaysah.

On 14 January 2008, at 1030 hours, an Israeli foot patrol consisting of eight soldiers and a Hummer 2 jeep stopped opposite the 10th Brigade checkpoint at the Fatima gate. The Israeli soldiers hurled insults at checkpoint personnel before departing at 1155 hours in the direction of al-Mutillah.

United Nations S/2008/31

Security Council

Distr.: General
21 January 2008

Original: English

Letter dated 21 January 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Arab Group for the month of January 2008, and on behalf of the States members of the League of Arab States, I have the honour to request an urgent meeting of the Security Council to consider Israeli aggression in the Occupied Palestinian Territory, including East Jerusalem.

(*Signed*) Abdullatif H. **Sallam**
Chargé d'affaires a.i.
Permanent Mission of the Kingdom of
Saudi Arabia to the United Nations
Chairman of the Arab Group

08-21283 (E) 210108

United Nations S/2008/32

Security Council

Distr.: General
22 January 2008

Original: English

Letter dated 21 January 2008 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Council which will be held on Tuesday, 22 January 2008, regarding the situation in the Occupied Palestinian Territory, particularly in the Gaza Strip.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

08-21421 (E) 220108

United Nations S/2008/33

Security Council

Distr.: General
21 January 2008
English
Original: Arabic

Letter dated 21 January 2008 from the Chargé d'affaires a.i. of the United Arab Emirates to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to request that the item entitled "Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council (S/10409)" relating to the question of the occupation by the Islamic Republic of Iran of the Greater Tunb, the Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates, should be retained on the list of items of which the Security Council is seized for the year 2008 and until such time as the dispute is resolved by peaceful means through direct negotiations or through the International Court of Justice, thereby ensuring a just, comprehensive and lasting settlement of the issue and achieving peace, security and regional and international stability.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Anwar Othman **Al-Barout**
Chargé d'affaires a.i.

08-21333 (E) 230108 230108

United Nations S/2008/34

Security Council

Distr.: General
22 January 2008

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling Security Council resolution 1740 of 23 January 2007,

Recalling the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) of a Comprehensive Peace Agreement, and the stated commitment of both parties to transforming the existing ceasefire into a permanent and sustainable peace and commending the steps taken to date to implement the Agreement,

Reaffirming the sovereignty, territorial integrity and political independence of Nepal and its ownership of the implementation of the Comprehensive Peace Agreement and subsequent agreements,

Expressing its continued readiness to support the peace process in Nepal in the timely and effective implementation of the Comprehensive Peace Agreement and subsequent agreements,

Recognizing the strong desire of the Nepalese people for peace and the restoration of democracy and the importance in this respect of the implementation of the Comprehensive Peace Agreement and subsequent agreements,

Recognizing that civil society can play an important role in conflict prevention,

Welcoming the report of the Secretary-General of 3 January 2008 (S/2008/5) on the United Nations Mission in Nepal (UNMIN), in accordance with his mandate,

Welcoming the 23-point agreement reached by the seven party alliance on 23 December 2007 with a view to holding Constituent Assembly elections on 10 April 2008, and recognizing that the challenging timelines set out in the agreement will require efforts among all the parties to build mutual confidence,

Recognizing the need to pay special attention to the needs of women, children and traditionally marginalized groups in the peace process, as mentioned in the Comprehensive Peace Agreement and UNSCR 1325 (2000),

Echoing the Secretary-General's call for all parties in Nepal to move forward swiftly in the implementation of the agreements reached,

08-21545 (E) 230108

Noting that the Government of Nepal in its letter to the Secretary-General of 18 December 2007 (S/2007/789, annex), recognizes UNMIN's contribution and requests an extension of the mandate for six months,

Welcoming the completion of two phases of the verification process and continuing assistance with the management of arms and armed personnel of both sides in accordance with UNSCR 1740 and in line with the provisions of the Comprehensive Peace Agreement, and noting the importance of a durable long-term solution in helping to create the conditions for completion of UNMIN's activities and noting too in this regard the need to address outstanding issues, including those relating to minors,

Expressing appreciation for the efforts of the Secretary-General's Special Representative and his team in UNMIN, and the United Nations Country Team, including the Office of the High Commissioner for Human Rights which is monitoring human rights at the request of the Government, and stressing the need for coordination and complementarity of efforts between the mission and all the United Nations actors in the mission area,

1. *Decides*, following the request from the Government of Nepal and based on the Secretary-General's recommendation, to renew the mandate of UNMIN, as set out in UNSCR 1740 (2007), until 23 July 2008;

2. *Expresses* full support for the Comprehensive Peace Agreement and calls upon all parties to maintain momentum in implementation of the Agreement; to continue constructive engagement with the United Nations, including reaching an early status of mission agreement, and to work together to progress to Constituent Assembly elections;

3. *Encourages* all parties to take full advantage of the expertise and readiness of UNMIN, within its existing mandate, to support the peace process;

4. *Requests* the Secretary-General to keep the Council regularly informed of progress towards the implementation of this resolution, and in particular to review the activities of UNMIN in light of the elections scheduled for 10 April 2008, taking into account the views of the Government of Nepal and the developments on the ground;

5. *Requests* the parties in Nepal to take the necessary steps to promote the safety, security and freedom of movement of UNMIN and associated personnel in executing the tasks defined in the mandate;

6. *Decides* to remain seized of the matter.

United Nations A/ES-10/411–S/2008/35

General Assembly
Security Council

Distr.: General
22 January 2008

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-third year

Identical letters dated 21 January 2008 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As we have repeatedly cautioned in our recent letters to you, Israel, the occupying Power, is continuing its inhumane and unlawful collective punishment of the Palestinian civilian population in the Occupied Gaza Strip, with disastrous consequences for the humanitarian situation there. The occupying Power has intensified its siege of the Gaza Strip with the ongoing closure of all border crossings and the deliberate obstruction of the entry of even vital humanitarian supplies.

In addition to its recent escalation of the military campaign against the Palestinian civilian population in the Gaza Strip, which has resulted, in less than a week's time, in the killing of more than 40 Palestinians, including children and women, and [illegible] other civilians, Israel, the occupying Power, has intensified [illegible] Palestinian Territory by hermetically sealing all border [illegible] the delivery of food supplies to the population since [illegible]. At the same time, Israel has persisted with the reduction of [illegible] Strip, completely cutting off fuel to the main power plant on Sunday, 20 January 2008.

Such illegal measures of collective punishment threaten to exacerbate the humanitarian crisis and are hastening the deterioration of the situation on the ground in all its aspects. The suspension of fuel supplies has had an impact on the provision of electricity to the civilian population, with the majority of Gaza's population suffering in darkness since yesterday, with no electricity for their homes, no power for the refrigeration of their already meagre food supplies and no heating, in addition to the fuel shortages that have brought vehicular traffic in the Gaza Strip to a near standstill. Health officials are also reporting that hospital generators are running out of fuel supplies, endangering the lives of sick patients, young and old. In addition, such fuel reductions will inevitably further obstruct the functioning of

sanitation and water facilities, which will have negative consequences for the health of the civilian population.

The continued imposition of this crippling, cruel siege on the Palestinian civilian population, combined with Israel's condemnable military attacks, which not only cause death and destruction but also constitute clear acts of incitement and provocation, is causing extensive human suffering and rising instability and is heightening fear, tension and despair among the civilian population. There is no pretext — security or otherwise — that can justify such inhumane punishment of innocent civilians, including children, women and elderly, disabled and ill persons.

Moreover, such illegal acts of aggression and punitive measures by the occupying Power severely poison the atmosphere between the two sides, undermining peace efforts and reigniting the cycle of violence, with its far-ranging, negative implications for the situation on the ground and prospects for peace. In that regard, it must be clearly recalled that the wilful killing of civilians, the wanton destruction of property and the collective punishment of civilians under occupation are strictly prohibited by the Fourth Geneva Convention.

The international community must uphold international law and shoulder its responsibilities, including by ensuring respect for the law. Israel, the occupying Power, must be called upon to immediately cease its acts of military aggression and its collective punishment of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and abide by its legal obligations. Israel's siege of the Gaza Strip must be condemned, and Israel should be called upon to lift the closures and allow for the opening of crossings to permit the access, at the very minimum, of necessary food and medical supplies. The warning issued by United Nations agencies on the ground that, if the closures continue, vital food aid to the more than 1 million refugees and other needy civilians in Gaza dependent on such aid for survival will have to be suspended within a few days must be taken seriously. Immediate action must be undertaken to ensure the entry of essential supplies and the restoration of fuel to the Gaza Strip. We call upon the members of the international community in all arenas to shoulder their responsibilities and to intervene urgently to put an end to this punishment of the Palestinian people, to alleviate the humanitarian crisis, to halt the deterioration of the security situation and to salvage the fragile peace process, which will surely collapse under the weight of such ongoing illegal Israeli policies and practices.

This letter is in follow-up to our previous 306 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 15 January 2008 (A/ES-10/410-S/2008/23), constitute a basic record of the crimes that have been committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of those war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable, and the perpetrators must be brought to justice.

In follow-up to the above-mentioned letters, it is with deep regret that I inform you that at least 24 more Palestinian civilians, including children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 4,923 (the names of the martyrs that have been identified are listed in the annex to the present letter).

I should be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

Annex to the identical letters dated 21 January 2008 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (from Wednesday, 16 January 2008 to Monday, 21 January 2008)

Wednesday, 16 January 2008

1. Aamer Hashem Al-Yazji
2. Mohammad Hachem Al-Yazji
3. Ameer Aamer Al-Yazji (11)
4. Waleed Obaidi
5. Mohammad Ahmad Al-Safadi
6. Wa'el Abdel Kareem Ahel

Thursday, 17 January 2008

7. Ashraf Al-Achi
8. Mahmoud Al-Banna
9. Mariam Al-Rohal
10. Saleh Al-Rohal
11. Mansour Al-Rohal
12. Ra'ad Suleiman Abu Foul
13. Fat'hia Al-Hassoumi
14. Ziyad Khedr Abu Taqiya

Friday, 18 January 2008

15. Shadi Qutiyfan
16. Mahmoud Ramadan Al-Barsh (16)
17. Ismail Radwan
18. Hanniya Abdel Jawwad

Saturday, 19 January 2008

19. Ihab Al-Banna
20. Ali Juamaa'
21. Marouj Sufian Taha (6)

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 4,923.

Sunday, 20 January 2008

22. Ibrahim Al-Ghouti

23. Mahmoud Al-Ghouti

Monday, 21 January 2008

24. Murad Ibrahim Al-Basha